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NOTICE OF ALLOWANCE AND FEE(S) DUE

22927

7590

06/30/2008

WALKER DIGITAL MANAGEMENT, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

EXAMINER

TINKLER, MURIEL S

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 06/30/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,691	11/09/2001	Jay S. Walker	97-059-C2	7875

TITLE OF INVENTION: METHOD AND APPARATUS FOR PROVIDING AND PROCESSING INSTALLMENT PLANS AT A TERMINAL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	09/30/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

22927 7590 06/30/2008
WALKER DIGITAL MANAGEMENT, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

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nonprovisional	NO	\$1440	\$300	\$0	\$1740	09/30/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
TINKLER, MURIEL S	3691	705-037000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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WALKER DIGITAL MANAGEMENT, LLC 2 HIGH RIDGE PARK STAMFORD, CT 06905			TINKLER, MURIEL S	
			ART UNIT	PAPER NUMBER

3691

DATE MAILED: 06/30/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1489 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1489 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/033,691

Applicant(s)

WALKER ET AL.

Examiner

MURIEL TINKLER

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 14, 2008.
2. ☒ The allowed claim(s) is/are 69-99.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691

DETAILED ACTION

This application has been reviewed. Claims 1-68 are cancelled. Claims 69-99 are pending. This communication is in response to Applicant's after final amendment filed on January 14, 2008 and conversations made with Mr. Stephen Filipek by telephone on February 29, 2008 and by email on various occasions from February 29, 2008 through March 3, 2008.

Terminal Disclaimer

1. The terminal disclaimer filed on January 14, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent (6,604,987), has been reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Stephen Filipek on February 29, 2008.
3. The application has been amended as follows:

Claims 69, 79, 83, 93 and 97 have been amended as shown below.

Claim 69 has been amended as,

69. (Currently Amended) A method, comprising:

receiving a purchase price and a financial account identifier that specifies an account of a purchaser from a point of sale terminal;

determining, based on at least one of the purchase price and the financial account identifier, whether to provide an installment plan offer; and

transmitting the installment plan offer to the point of sale terminal for consideration by the [a] purchaser if it was determined that the ~~purchase price qualified~~ the purchaser is qualified to receive the installment plan offer.

70. (Previously Presented) The method of claim 69, in which determining whether to provide the installment plan offer comprises: comparing the purchase price to a minimum required purchase amount; and authorizing transmission of an installment plan offer if the purchase price meets or exceeds the minimum required purchase price amount.

71. (Previously Presented) The method of claim 69, in which determining whether to provide the installment plan offer comprises: comparing the purchase price to a plurality of purchase price ranges; and authorizing transmission of at least one installment plan offer if the purchase price falls within at least one purchase price range.

72. (Previously Presented) The method of claim 69, in which transmitting the installment plan offer comprises providing data corresponding to at least one of an interest rate, a payment term, and an installment plan identifier associated with the purchase price range.

73. (Previously Presented) The method of claim 72, further comprising: receiving at least one installment plan identifier at the point of sale terminal; and displaying terms and conditions associated with at least one installment plan corresponding to the installment plan identifier to the purchaser.

74. (Previously Presented) The method of claim 73, in which displaying the terms and conditions comprises displaying at least one of a number of payments required, payment amounts, or an interest rate.

75. (Previously Presented) The method of claim 69, further comprising receiving, with the purchase price, a merchant identifier indicating a merchant.

76. (Previously Presented) The method of claim 75, further comprising crediting the purchase price to an account associated with the merchant identifier.

Art Unit: 3691

77.(Previously Presented) The method of claim 69, further comprising receiving a selection signal from the point of sale terminal.

78. (Previously Presented) The method of claim 77, wherein the selection signal indicates at least one of acceptance of the installment plan offer or that no installment plan was selected.

Claim 79 has been amended as,

79. (Currently Amended) The method of claim 69, ~~further comprising:-
receiving, with the purchase price, a financial account identifier that specifies an
account of a purchaser; and~~

in which determining whether to provide an installment plan offer comprises [ie]
at least partially basing the determination [based] on the financial account identifier.

80. (Previously Presented)The method of claim 69, further comprising, prior to determining whether to provide an installment offer: authorizing a charge to a financial account of the purchaser based on at least one predetermined approval criteria; and determining, based on the financial account, if installment payments are allowed.

81. (Previously Presented)The method of claim 80, wherein the predetermined account criteria comprises at least one of determining that the financial account is open and in good standing, determining that the purchase price plus the current balance of the

account is below a predetermined balance limit, or determining that a credit card associated with the financial account has not been reported lost or stolen.

82. (Previously Presented) The method of claim 80, in which determining if installment payments are allowed comprises at least one of authorizing installment payments based on the financial account identifier, or authorizing installment payments if the purchase price falls within at least one predetermined range of purchase price amounts.

Claim 83 has been amended as,

83. (Currently Amended) A computer readable medium storing instructions configured to direct a processor to:

receive a purchase price and a financial account identifier that specifies an account of a purchaser from a point of sale terminal;

determine, based on at least one of the purchase price and the financial account identifier, whether to provide an installment plan offer; and

transmit the installment plan offer to the point of sale terminal for consideration by the [a] purchaser if it was determined that the ~~purchase price qualified the purchaser~~ is qualified to receive the installment plan offer.

84. (Previously Presented) The computer readable medium of claim 83, in which the instructions for determining whether to provide the installment plan offer comprise instructions configured to direct the processor to: compare the purchase price to a

minimum required purchase amount; and authorize transmission of an installment plan offer if the purchase price meets or exceeds the minimum required purchase price amount.

85. (Previously Presented) The computer readable medium of claim 83, in which the instructions for determining whether to provide the installment plan offer comprise instructions configured to direct the processor to: compare the purchase price to a plurality of purchase price ranges; and authorize transmission of at least one installment plan offer if the purchase price falls within at least one purchase price range.

86. (Previously Presented) The computer readable medium of claim 83, in which the instructions for transmitting the installment plan offer comprise instructions configured to direct the processor to provide data corresponding to at least one of an interest rate, a payment term, and an installment plan identifier associated with the purchase price range.

87. (Previously Presented) The computer readable medium of claim 83, which further comprises instructions configured to direct the processor to: receive at least one installment plan identifier from the point of sale terminal; and transmit terms and conditions associated with at least one installment plan corresponding to the installment plan identifier for display to the purchaser.

88. (Previously Presented) The computer readable medium of claim 87, in which the instructions for transmitting the terms and conditions comprise instructions configured to direct the processor to provide at least one of a number of payments required, payment amounts, or an interest rate.

89. (Previously Presented) The computer readable medium of claim 83, which further comprises instructions configured to direct the processor to receive, with the purchase price, a merchant identifier indicating a merchant.

90. (Previously Presented) The computer readable medium of claim 89, which further comprises instructions configured to direct the processor to credit the purchase price to an account associated with the merchant identifier.

91. (Previously Presented) The computer readable medium of claim 83, which further comprises instructions configured to direct the processor to receive a selection signal from the point of sale terminal.

92. (Previously Presented) The computer readable medium of claim 91, in which the instructions for receiving the selection signal comprise instructions configured to direct the processor to recognize at least one of acceptance of the installment plan offer or that no installment plan was selected.

Claim 93 has been amended as,

93. (Currently Amended) The computer readable medium of claim 83, further comprising:-
~~receiving, with the purchase price, a financial account identifier that specifies an account of a purchaser; and~~

in which the instructions for determining whether to provide an installment plan offer comprise instructions for at least partially basing an installment plan offer on the financial account identifier.

94. (Previously Presented) The computer readable medium of claim 83, which further comprises, prior to determining whether to provide an installment offer, instructions configured to direct the processor to: authorize a charge to a financial account of the purchaser based on at least one predetermined approval criteria; and determine, based on the financial account, if installment payments are allowed.

95. (Previously Presented) The computer readable medium of claim 94, in which the instructions for authorizing a charge comprise instructions configured to direct the processor to determine at least one of that the financial account is open and in good standing, that the purchase price plus the current balance of the account is below a predetermined balance limit, or that a credit card associated with the financial account has not been reported lost or stolen.

96. (Previously Presented) The computer readable medium of claim 94, in which the instructions for determining if installment payments are allowed comprise instructions configured to direct the processor to at least one of authorize installment payments based on the financial account identifier, or authorize installment payments if the purchase price falls within at least one predetermined range of purchase price amounts.

Claim 97 has been amended as,

97. (Currently Amended) An apparatus, comprising:

a processor; and

a storage device operatively coupled to the processor, the storage device containing instructions configured to direct the processor to

receive a purchase price and a financial account identifier that specifies an account of a purchaser from a point of sale terminal,

determine, based on at least one of the purchase price and the financial account identifier, whether to provide an installment plan offer, and

transmit the installment plan offer to the point of sale terminal for consideration by the [a] purchaser if it was determined that the ~~purchase price qualified the purchaser~~ is qualified to receive the installment plan offer.

98. (Previously Presented) The apparatus of claim 97, wherein the data storage device further comprises at least one database.

99. (Previously Presented) The apparatus of claim 98, wherein the at least one database comprises at least one of a purchaser database, a transaction database, an installment plan database, a purchaser billing database, an installment payments database, or a merchant database.

Allowable Subject Matter

1. Claims 69-99 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. Independent claims 69, 83 and 97 and their independent claims 70-82, 84-96, 98 and 99 are allowed because the closest prior art reference of Walker et al. (US 6,064,987) has been overcome by a terminal disclaimer filed on October 18, 2007. Furthermore independent claim 69 and its independent claims 70-82 are allowed because the next closest prior art references of Werner et al. (US 2,880,930) and Lange et al. (US 3,335,407) in any combination failed to teach or render obvious to one of ordinary skill in the art the allowable limitations of a method, apparatus or computer readable medium comprising: receiving a purchase price and a financial account identifier that specifies an account of a purchaser from a point of sale terminal; and, determining, based on at least one of the purchase price and the financial account identifier, whether to provide an installment plan offer. It is specifically the defining limitation of determining whether to provide an installment plan offer based on the purchase price AND the financial account identifier that makes this application allowable.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MURIEL TINKLER whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 6:30 AM until 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./
Examiner, Art Unit 3691

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691